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Date	11/21/02		
To:	Asst. Commissioner of Patents Art Unit 1616 Attn: Sharmila S. Gollamudi	From:	B.W. Sandt Attorney for Schilling et al
cc		Phone	(989) 631-6852
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Re:	SN 09/964,120		

Urgent For Review Please Comment Please Reply Please Recycle

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Message

Attached pleas find Response C to the Office Action dated 9/24/2002:

Application No. 09/964,120
Inventor: Marvin L. Schilling et al
Filed: 9/25/2001
For: Method for Producing Biologically Active Products


Bernd W. Sandt

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11/26/02
~~(25.5)~~

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Marvin L Schilling & Richard D. Farfard
Serial No: 09/964,120
Filed: 09/25/01
For: Method for producing Biologically Active Products
Group Art Unit: 1616 **Examiner:** Sharmila S Gollamudi

Hon. Commissioner of Patents
& Trademarks,
Washington, D.C. 20231

Sir:

RESPONSE C

In response to the Office Action dated November 8, 2002 please amend the claims in the subject application as set forth in the attached sheet.

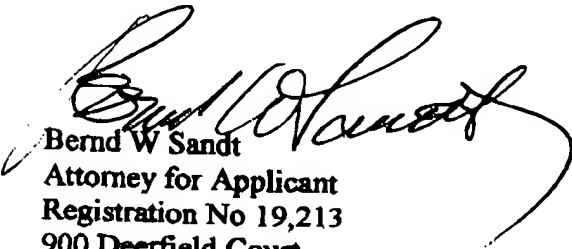
The Examiner has refused to enter applicants' amended claims as proposed in applicants' response of October 28, 2002. These amendments were made for the dual purpose of overcoming the rejection of the claims as indefinite and as obvious over the art. The amended claims more clearly set forth that the original structure was that of the comminuted product and not the original material. Even prior to the amendment the claims called for the product to be dehydrated in particulate form. Making this step more specific is not seen as constituting a new step requiring an additional art search, as asserted by the Examiner as one of the reasons for not entering the amendment. The

current amendment relies strictly on the existing language of the claim to convey the same concept. Entry of the amendment for purposes of appeal is respectfully requested.

The Examiner further has asserted that consideration of the limitation of the concentration of the ionizing salt to at least 15 % requires a new search. The amendment was introduced to make specific that which was already inherent in the claims. Thus, to be sure that the original organic structure of the organic material was maintained, the concentration ionizing salt had to be maintained at a level above 15 %. The claims are deemed to be patentable, regardless of the amendment, for the reasons set forth in Response B. The amendment was submitted in the hope of generating an allowance since it was not seen how making specific a condition that is inherent requires a new search.

Applicants hereby incorporate the patentability arguments set forth in their Response B and request consideration and allowance of the claims. In the alternative applicants request that the amendment to claim 1 be entered for purposes of an appeal.

Respectfully submitted



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Certificate under 37 CFR 1.8

I hereby certify that a copy of the foregoing Response has been forwarded to Group Art Unit 1616 to the attention Examiner Sharmila S. Gollamudi by facsimile on the date set forth below.

Date:

11/2/02

Signature

